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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,895	08/07/2001	Sanil Kumar Puthiyandyil	01-592	2243
7590 01/03/2006 McDonnell Boehnen Hulbert & Berghoff 32th Floor 300 S. Wacker Drive Chicago, IL 60606			EXAMINER SALAD, ABDULLAHI ELM I	
			ART UNIT 2157	PAPER NUMBER

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/923,895		PUTHIYANDYIL ET AL.	
	Examiner		Art Unit	
	Salad E. Abdullahi		2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response

1. Applicant's response files on 9/26/2005 has been received and made of record.
2. The office action dated on 7/5/2005 examiner have indicated claims 1-17, and 19-20 were allowable. However, upon further consideration of the claims, a new ground(s) of rejection is made. Examiner apologizes for any burden bears to the applicant.

Response to argument

3. The response filed on 5/23/2005 Applicant alleges the difference between instant application and APA is that " the APA does not teach or suggest (i) the contact LNS sends a response message containing an Internet Protocol (1P) address of a selected one of the plurality of load balancing LNSS to which the LAC should establish a session, as recited in claim 1". Other independent claims contain obvious variations of such limitation. Examiner agreed, APA does not teach this limitation. However, new reference Skene discloses a system for load balancing where the contact LNS sends a response message containing IP address of a selected one of the plurality of load balancing LNSs to which the LAC should establish a session (see fig. 1 and see paragraph 0027-0029, 0035 and 0073).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-17 and 19-20 are rejected under 35 U.S.C. 103(a) as being obvious over Applicant's Admitted Prior Art [hereinafter APA] in view of Skene et al., U.S. Patent Application Publication No. 20010047415[hereinafter Skene].

As per claim 1 and 6, APA discloses system for load balancing, the system comprising:
an L2TP access Concentrator (LAC), LAC the LAC including a contact L2TP network Server (LNS) address, the contact LNS address specifying the address of a contact LNS (see page 2, line 20 to page 3, line 2);
a contact LNS communicatively coupled to the LAC (see page 3, lines 1-3);
a plurality of load balancing LNS communicatively coupled to the contact LNS and to the LAC wherein the LAC sends a message to the contact LNS, the message informing the LNS of the availability of the LAC for participating in load balancing (see page 4, lines 11-20).

APA is silent regarding:

the contact LNS sends a response message containing IP address of a selected one of the plurality of load balancing LNSs to which the LAC should establish a session.

6. Skene discloses a communications mechanism where the contact LNS sends a response message containing IP address of a selected one of the plurality of load balancing LNSs to which the LAC should establish a session (see fig. 1 and see paragraph 0027-0029, 0035 and 0073). Therefore, it would have been obvious to one having ordinary skill in the art at the time of then invention presented with the teaching of APA to utilize the load balancing mechanism as taught by Skene to minimize delay related establishing session between the LNSs and the LAC.

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As per claim 2, and 9 Skene discloses the system of claim 1 wherein the contact LNS is included within a virtual LNS (see paragraph 0035).

As per claim 3, and 7, APA discloses the system of claim 1 wherein the message informing the contact LNS of the availability of the LAC for participating in load balancing is an ICRQ message (see page 4, lines 11-20).

As per claim 4, and 8 APA discloses the system of claim 1 wherein the response message is a ICRP message (see page 4, lines 11-20).

As per claim 5, APA discloses the system of claim 1 further including a customer premise equipment (CPE) coupled to the LAC (see page 2, lines 20-23)

As per claim, 7 APA discloses the method of claim 6 wherein the message that indicates the LAC is available for participating in load balancing is an ICRQ message (see page 4, lines 11-20).

As per claim 8, APA discloses the method of claim 7 wherein the address of the next available LNS is included in an ICRP message (i.e., ICRP message) (see page 4, lines 11-20).

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As per claim 9, Skene discloses the method of claim 7 wherein the contact LNS is included in virtual LNS (see col. 3, lines 4-11).

As per claims 10-17 and 19-20, the claims include features analogous to features to features in claims 1-10 discussed above, thus claims 10-17 and 19-20 are rejected same rational as claims 1-10.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad E. Abdullahi whose telephone number is 571-272-4009. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The **fax phone number** for the organization where this application or proceeding is assigned is **571-273-8300**.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abdullahi Salad

12/27/2005


ABDULLAHI SALAD
PRIMARY EXAMINER